

S.B. Civil Writ Petition No.4475/07
Deepak Singh Rajawat Vs. Motor Accident
Claims Tribunal, Kota & Ors.

Date of Order :: 23rd July, 2007

Hon'ble Mr. Justice Mohammad Rafiq

Shri L.M. Bhardwaj for petitioner.

Heard learned counsel for the
petitioner.

The petitioner has challenged the order dated 21.4.2007 passed by Motor Accident Claims Tribunal, (ADJ Fast Track No.3), Kota and has prayed that direction should be given for payment of Rs.3,00,000/- kept in the FDR for 7 years together with interest to the petitioner.

Learned counsel for the petitioner argued that the petitioner

sustained certain injuries due to an accident and on his claim petition, the Tribunal while award dated 21.4.2007 awarded a sum of Rs.5,51,638/- out of which Rs.3,00,000/- was kept in FDR and the remaining was paid in cash under the direction contained in that award. Learned counsel for the petitioner submits that due to the accident, three operations of his right leg have been done and he was again advised for operation, but his application for disbursement of an amount of Rs.50,000/- from the aforesaid FDR was rejected by the learned Tribunal vide order dated 29.1.07. He again moved an application on 18.4.2007 before the Tribunal stating that he was admitted in the SMS Hospital for 78 days and the Doctors further

advised him for operation otherwise his leg will be separated from the body, but that application was also rejected by the Tribunal without assigning any good reasons. In support of his contentions, the learned counsel for the petitioner has relied on the judgment in Teej Devi (Smt.) Vs. The Judge, MACT, Jaipur, 2006 R.A.R. 242 (Raj.), Nathi Vs. MACT & Ors, II (2000) ACC 355 & Chatar Lal Vs. MACT, Rajsamand, 1997(1) WLC 560 (Raj.).

Having heard the learned counsel for the parties and perused the material on record and on consideration of the fact that when the petitioner is major and ill and requires immediate operation, the Tribunal, in my view, was not justified in not accepting his prayer for granting payment of Rs.3,00,000/- kept in

FDR for seven years.

In the facts of the case, the petition is allowed and it is directed that the entire amount of the aforesaid FDR i.e. Rs.3,00,000/- shall be paid together with interest to the petitioner within two weeks from the date of receipt of certified copy of this order.

(Mohammad Rafiq), J.

Rs/-